

## AMENDMENTS TO THE CLAIMS

Please amend claims, as follow:

1. (Currently Amended): A tool for preparing vertebral bodies for an implant comprising: a cutter having,  
a forked end having a first tine and a second tine, wherein said first and said second tines both having an upper surface and a lower surface, and both having an inner side and an outer side, wherein the inner side extends between the upper surface and the lower surface, and the outer side extends between the upper surface and the lower surface,  
a first cutting blade extending from the upper surface of said first tine and flush with the inner side of said first tine;  
a second cutting blade extending from the upper surface of said second tine and flush with the inner side of said second tine[[s]] and extending in a first direction from said first and said second tines; wherein the first cutting blade is adapted to cut a groove in a first vertebral body in the first direction, and  
a ~~second~~ third cutting blade extending from the lower surface of said first tine and flush with the [[an]] outer side of said first tine; and  
a fourth cutting blade extending from the lower surface of said second tine[[s]] and flush with the outer side of said second tine and extending in a second direction from said first and said second tines; wherein the ~~second~~ fourth cutting blade is adapted to cut a groove in a second vertebral body in the second direction; wherein the second direction being opposite from the first direction.
2. (Previously Presented): The tool according to claim 1 wherein the tool is hand held; wherein the first and the second cutting blades are parallel to each other and over the entire length of the blade cutting surface, the first and second cutting blades are parallel to the handle of the tool, such that with the handle moving in a horizontal plane the first and second cutting blades will cut parallel grooves in the horizontal plane.
3. (Original): The tool according to claim 1 wherein the second cutting blades are placed further apart than the first cutting blades.

4. (Original): The tool according to claim 1 wherein the two tines have beveled leading edges.
5. (Withdrawn): The tool according to claim 1 further having a blade protector.
6. (Withdrawn): The tool according to claim 5 wherein the blade protector is retractable.
7. (Previously Presented): The tool according to claim 1 wherein the first cutting blades are coplanar with the inner side of each tine.
8. (Previously Presented): The tool according to claim 1 wherein the first cutting blades are coplanar with the outer side of each tine.
9. (Previously Presented): The tool according to claim 1 wherein the first and second blades are positioned and adapted to bypass nerves.
10. (Previously Presented): The tool of claim 1 wherein the tines have inboard and outboard beveled surfaces that converge and the first cutting blades have surfaces that are continuous with the inboard beveled surfaces and the second cutting blades have surfaces that are continuous with the outboard beveled surfaces.
11. (Previously Presented): The tool of claim 1 wherein the first cutting blades are upper cutting blades and the second cutting blades are lower cutting blades.
12. (Previously Presented): The tool of claim 1 wherein the second cutting blades are lower cutting blades positioned and adapted to bypass nerves.
- 13-32. (Cancelled):

33. (Withdrawn): A method of implanting an artificial disk between adjacent vertebrae comprising the steps of:

accessing first and second adjacent vertebrae;  
simultaneously preparing a first pair of slots in the first vertebra and a second pair of slots in the second vertebra; and  
implanting keels of the artificial disk in the first pair of slots and in the second pair of slots.

34. (Withdrawn): The method of claim 33 including the step of:  
preparing the first pair of slots to be closer together than the second pair of slots.

35. (Withdrawn): The method of claim 33 including the step of:  
preparing the first pair of slots to be inboard of the second pair of slots.

36. (Withdrawn): The method of claim 33 including the step of using a tool with first and second tines that are positioned in the disk space between the first and second vertebrae with a first blade that creates one of the first slots located on an upper surface of each tine and a second blade that can create one of the second slots located on a lower surface of each tine.

37. (Withdrawn): The method of claim 33 wherein the implant includes a first pair of upper and lower implant parts and a second pair of upper and lower implant parts, including the steps of:

using a tool to hold the first pair of implants and placing the first pair of implants simultaneously in one of the first pair of slots and one of the second pair of slots; and  
using a tool to hold the second pair of implants and placing the second pair of implants simultaneously in the other of the first pair of slots and the other of the second pair of slots.

38. (Withdrawn): A method of implanting an artificial disk between adjacent vertebrae comprising the steps of:

accessing upper and lower adjacent vertebrae;

simultaneously preparing a first pair of inboard upper slots in the upper vertebra and a second pair of outboard lower slots in the second vertebra; and  
implanting keels of the artificial disk in the first pair of slots and in the second pair of slots.

39. (Withdrawn): The method of claim 38 including the step of using a tool with first and second tines that are positioned in the disk space between the first and second vertebra with a first blade that creates one of the first slots located on an upper surface of each tine and a second blade that can create one of the second slots located on a lower surface of each tine.

40. (Withdrawn): The method of claim 38 wherein the implant includes a first pair of upper and lower implant parts and a second pair of upper and lower implant parts, including the steps of:

using a tool to hold the first pair of implants and placing the first pair of implants simultaneously in one of the first pair of slots and one of the second pair of slots;  
and using a tool to hold the second pair of implants and placing the second pair of implants simultaneously in the other of the first pair of slots and the other of the second pair of slots.

41. (Withdrawn): A kit for installing an intervertebral implant including:  
an implant having an upper part and a lower part;  
a cutting tool; and  
an implanting insertion tool.

42. (Withdrawn): The kit of claim 41 including the cutting tool and further including first and second tines with an upper cutter on each tine and a lower cutter on each tine, with the upper cutters located inboard of the lower cutters.

43. (Withdrawn): The kit of claim 41 including the implant and further including a pair of upper and lower parts on the implant and a second pair of upper and lower parts, wherein

the implant insertion tool includes a device that can hold and insert the first pair of upper and lower parts.

44. (Withdrawn): The kit of claim 43 including another implant insertion tool that can hold and insert the second pair of upper and lower parts.

45. (Withdrawn): The kit of claim 41 wherein the implant includes a ball and socket structure.

46. (Withdrawn): The kit of claim 41 wherein the implant includes a ball and socket structure as part of the upper and lower parts.

47. (Currently Amended): A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:

- (a) a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive an implant;
- (b) a first pair of cutting blades protruding upwardly from the cutter body and adapted to cut a pair of grooves in the upper vertebral body, wherein the first pair of blades are parallel to one another; and
- (c) a second pair of cutting blades protruding downwardly from the cutter body and adapted to cut a pair of grooves in the lower vertebral body, wherein the second pair of blades are parallel to one another, wherein the first and second pair of cutting blades are parallel to one another, such that when the first pair of cutting blades cut first grooves in a horizontal plane the second pair of cutting blades will cut second grooves in a horizontal plane, wherein the first and second grooves are parallel; wherein the second pair of cutting blades are outboard of and spaced from the first pair of cutting blades.

48. (Previously presented): A tool for preparing the vertebral bodies for an implant comprising:  
a cutter having,

a forked end having a first tine and a second tine, wherein said first and said second tines having an inner side and an outer side,  
a first cutting blade extending in a plane lateral to the sagittal plane from the inner side of said first and said second tines and extending in a first direction from said first and said second tines, and  
a second cutting blade extending in a plane lateral to the sagittal plane from the outer side of said first and said second tines and extending in a second direction from said first and said second tines; wherein the second direction being opposite from the first direction.

49. (Currently Amended): A tool for preparing upper and lower vertebral bodies for an implant, the tool comprising:
- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;
  - b. a first pair of cutting blades protruding upwardly from the cutter body and adapted to cut grooves in the upper vertebral body; and
  - c. a second pair of cutting blades protruding downwardly from the cutter body and adapted to cut grooves in the lower vertebral body, wherein the first and second pair of cutting blades are parallel to one another, such that when the first pair of cutting blades cut grooves in a horizontal plane the second pair of cutting blades will cut parallel grooves in the horizontal plane; wherein the second pair of cutting blades are spaced from the first pair of cutting blades by the thickness dimension of the cutter body.
50. (Previously presented): A tool with a handle by which it is held, for preparing upper and lower vertebral bodies for an implant, the tool comprising:
- a. a cutter body having a thickness dimension to distract the upper and lower vertebral bodies apart a distance to receive the implant;
  - b. a first cutting blade protruding upwardly from the cutter body and adapted to cut a groove in the upper vertebral body; and

- c. a second cutting blade protruding downwardly from the cutter body and adapted to cut a groove in the lower vertebral body, wherein the first and second cutting blades are parallel to one another and wherein for the entire length of the blade cutting surface, the blade is parallel to the handle of the tool, such that with the handle moving in a horizontal plane the first and second cutting blades will cut parallel grooves in the horizontal plane.